

Part 2

Grant Approval Requirements

63J-7-201 Governor to approve certain grant requests.

- (1)
 - (a) Before obligating the state to accept or receive a grant, an executive branch agency shall submit a grant summary to the governor or the governor's designee for approval or rejection when:
 - (i) the executive branch agency would receive a grant of at least \$10,000 but no more than \$50,000 if the grant is approved;
 - (ii) receipt of the grant will require no additional permanent full-time employees, permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and
 - (iii) no new state money will be required to match the grant.
 - (b) The Governor's Office of Management and Budget shall report each grant authorized under this section to:
 - (i) the Legislature's Executive Appropriations Committee; and
 - (ii) the Office of the Legislative Fiscal Analyst.
- (2) The governor or the governor's designee shall approve or reject each grant submitted under the authority of this section.
- (3)
 - (a) If the governor or the governor's designee approves the grant, the executive branch agency may accept the grant.
 - (b) If the governor or the governor's designee rejects the grant, the executive branch agency may not accept the grant.
- (4) If an executive branch agency fails to obtain the governor's or the governor's designee's approval under this section, the governor may require the agency to return the grant.

Amended by Chapter 310, 2013 General Session

63J-7-202 Judicial council to approve certain grant requests.

- (1)
 - (a) Before obligating the state to accept or receive a grant, a judicial branch agency shall submit a grant summary to the Judicial Council for its approval or rejection when:
 - (i) the state would receive a grant of at least \$10,000 but no more than \$50,000 if the grant is approved;
 - (ii) receipt of the grant will require no additional permanent full-time employees, additional permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and
 - (iii) no new state money will be required to match the grant.
 - (b) The Judicial Council shall report each grant authorized under this section to:
 - (i) the Legislature's Executive Appropriations Committee; and
 - (ii) the Office of the Legislative Fiscal Analyst.
- (2) The Judicial Council shall approve or reject each grant submitted under the authority of this section.
- (3)
 - (a) If the Judicial Council approves the grant, the judicial branch agency may accept the grant.

- (b) If the Judicial Council rejects the grant, the judicial branch agency may not accept the grant.
- (4) If a judicial branch agency fails to obtain the Judicial Council's approval under this section, the Judicial Council may require the agency to return the grant.

Enacted by Chapter 195, 2008 General Session

63J-7-203 Legislative review and approval of certain grant requests.

(1) As used in this section:

- (a) "High impact grant" means a grant that will or could:
 - (i) result in the state receiving total payments of \$1,000,000 or more per year from the grantor;
 - (ii) require the state to add 11 or more permanent full-time employees, 11 or more permanent part-time employees, or combination of permanent full-time employees and permanent part-time employees equal to 11 or more in order to receive the grant; or
 - (iii) require the state to expend more than \$1,000,000 of new state money in a fiscal year in order to receive or administer the grant.
- (b) "Medium impact grant" means a grant that will or could:
 - (i) result in the state receiving total payments of more than \$50,000 but less than \$1,000,000 per year from the grantor;
 - (ii) require the state to add more than zero but less than 11 permanent full-time employees, more than zero but less than 11 permanent part-time employees, or a combination of permanent full-time employees and permanent part-time employees equal to more than zero but less than 11 in order to receive or administer the grant; or
 - (iii) require the state to expend \$1 to \$1,000,000 of new state money in a fiscal year in order to receive or administer the grant.

(2)

- (a) Before obligating the state to accept or receive a medium impact grant, and, where possible, before formally submitting a request for a medium impact grant to the grantor, an agency shall:
 - (i) submit the grant summary to the governor or the Judicial Council, as appropriate, for approval or rejection; and
 - (ii) if the governor or Judicial Council approves the grant, submit the grant summary to the Legislative Executive Appropriations Committee for its review and recommendations.
- (b) The Legislative Executive Appropriations Committee shall review the grant summary and may:
 - (i) recommend that the agency accept the grant;
 - (ii) recommend that the agency not accept the grant; or
 - (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the acceptance of the grant.

(3)

- (a) Before obligating the state to accept or receive a high impact grant, and, where possible, before formally submitting a request for a high impact grant to the grantor, an agency shall:
 - (i) submit the grant summary to the governor or Judicial Council, as appropriate, for approval or rejection; and
 - (ii) if the governor or Judicial Council approves the grant, submit the grant summary to the Legislature for its approval or rejection in an annual general session or a special session.
- (b)
 - (i) If the Legislature approves the grant, the agency may accept the grant.
 - (ii) If the Legislature fails to approve the grant, the agency may not accept the grant.

- (c) If an agency fails to obtain the Legislature's approval under this Subsection (3):
- (i) the governor or Judicial Council, as appropriate, may require the agency to return the grant;
 - (ii) the Legislature may direct the agency to return the grant to the grantor; or
 - (iii) the Legislature may reduce the agency's appropriation in an amount less than, equal to, or greater than the amount of the grant received by the agency.

Enacted by Chapter 195, 2008 General Session